

By: Representative Watson

To: Municipalities

HOUSE BILL NO. 1071

1 AN ACT TO AMEND SECTION 21-8-23, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT MAYORS WHO ARE ELECTED TO A SUCCESSIVE TERM, IN A
3 MAYOR-COUNCIL FORM OF GOVERNMENT, ARE NOT REQUIRED TO REAPPOINT
4 AND OBTAIN CONFIRMATION FOR HIS OR HER DEPARTMENT DIRECTORS AFTER
5 BEING REELECTED; TO AMEND SECTION 21-8-25, MISSISSIPPI CODE OF
6 1972, TO PROVIDE THAT SUCH REAPPOINTMENT AND CONFIRMATION SHALL
7 NOT BE REQUIRED FOR THE POSITION OF CHIEF ADMINISTRATIVE OFFICER
8 IN THE MAYOR-COUNCIL FORM OF GOVERNMENT IF THE MAYOR IS ELECTED
9 FOR A SUCCESSIVE TERM; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 21-8-23, Mississippi Code of 1972, is
12 amended as follows:

13 21-8-23. (1) The municipality may have a department of
14 administration and such other departments as the council may
15 establish by ordinance. All of the administrative functions,
16 powers and duties of the municipality shall be allocated and
17 assigned among and within such departments.

18 (2) Each department shall be headed by a director, who shall
19 be appointed by the mayor and confirmed by an affirmative vote of
20 a majority of the council present and voting at any such meeting.
21 Each director shall serve during the term of office of the mayor
22 appointing him, and until the appointment and qualification of his
23 successor. It shall not be necessary for a mayor who is elected
24 to a successive term to resubmit his or her department directors
25 for confirmation.

26 (3) The mayor may, in his discretion, remove the director of
27 any department. Directors of departments shall be excluded from
28 the coverage of any ordinance or general law providing for a civil
29 service system in the municipality; provided, however, all
30 individuals serving as heads of departments at the time of the

31 municipality's adoption of the mayor-council form as described in
32 this chapter shall continue to be covered by the provisions of the
33 civil service system in effect at the time the mayor-council form
34 is adopted.

35 (4) Directors of departments shall appoint subordinate
36 officers and employees within their respective departments and
37 may, with approval of the mayor, remove such officers and
38 employees subject to the provisions of any ordinance establishing
39 a civil service system where that system is effective in the
40 municipality, or other general law; provided, however, that the
41 council may provide by ordinance for the appointment and removal
42 of specific boards or commissions by the mayor.

43 (5) Whenever the city council is authorized by any provision
44 of general law to appoint the members of any board, authority or
45 commission, such power of appointment shall be deemed to vest in
46 the mayor with the confirmation of an affirmative vote of a
47 majority of the council present and voting at any meeting.

48 (6) The council shall also require all officers and
49 employees handling or having the custody of any of the public
50 funds of such municipality to give bond, with sufficient surety,
51 to be payable, conditioned and approved as provided by law, in an
52 amount to be determined by the council (which shall not be less
53 than Ten Thousand Dollars (\$10,000.00), the premium on which bonds
54 shall be paid by the city.

55 **SECTION 2.** Section 21-8-25, Mississippi Code of 1972, is
56 amended as follows:

57 21-8-25. The council of any municipality adopting the
58 mayor-council form of government may, within its discretion, adopt
59 an ordinance providing that the mayor shall appoint, with the
60 advice and consent of the council, a chief administrative officer
61 to coordinate and direct the operations of the various departments
62 and functions of municipal government. Such chief administrative
63 officer shall serve at the pleasure of the mayor and shall possess

64 such qualifications and experience as shall be set out in the
65 aforesaid ordinance. It shall not be necessary for a mayor
66 elected to a successive term to resubmit his or her chief
67 administrative officer for confirmation. The * * * chief
68 administrative officer shall be answerable solely to the mayor in
69 the performance of his or her functions and shall be subject to
70 dismissal at the pleasure of the mayor and shall be excluded from
71 the coverage of any ordinance or general law providing for a civil
72 service system in the municipality.

73 **SECTION 3.** This act shall take effect and be in force from
74 and after July 1, 2006.